

**NATIONAL INSTITUTES OF HEALTH**  
**Deputy Ethics Counselors and Ethics Coordinators**  
**Meeting Minutes: March 13, 2006**

**HHS-716s**

If you have HHS-716s with NO SAOs, notify the employee to file an HHS-717-1 form for any changes to their holdings that would include SAOs but to use the 716 form until the 717-1 form is finalized and released for use.

If you have 716s with SAO holdings over the de minimis and need to send them to the supervisor for conflict evaluation, you, the employee and their supervisor should engage in a conversation to discuss the issues and solutions. Dr. Kington would like the DEC, then NEO to recommend one of the following three solutions (in preferred order):

- 1 – Divestiture
- 2 – Recusal
- 3 – Waiver

Dr. Kington will be the final determinant on these decisions and will expect a very strong justification if one of the latter two options are chosen. All final conflict resolutions will be routed to Dr. Kington to ensure consistency in our decisions on conflicts. All DEC's should also be mindful of documenting the resolution of the conflict on the 716 form.

Before you enter 716 forms into EMIS you should be comparing them to the respective 450 or 278, keeping in mind the reporting period is different for both forms. Only when they have been compared and verified should you enter/scan them into EMIS. At this time, uploading PDF versions of the 716 form to show SAOs is acceptable v. entering in all the SAOs in EMIS. *However*, you are encouraged to enter SAOs in the notes field if you can. Should there be a need to report on SAOs in the future, you will need to manually search your hard copies if you only scan PDFs.

Please make it your top priority to certify all CY 2004 278s (which were filed in 2005) before the new filing cycle begins in April, and to have as many filers as possible given a copy of their certified report.

There will be an email sent out from NEO to all filers and the DEC/EC community regarding the use of NEES. To encourage the use of this new system we recommend that you tell your 278 filers that once the information is entered into this system it can be re-called next year like using Turbo Tax. We have not yet finalized the electronic signature, therefore the information can be entered, changed, edited etc. then printed and the signed, original submitted on paper.

Holli met on 3/10/06 with Drs. Kington, Ruiz Bravo and Gottesman regarding the 278 filers. It was reiterated that senior employees are the same as our coined phrase "Top 5". An extramural senior employee is defined as: a person who reports directly to the IC Director and manages, either directly or thru a subordinate, research grants, contracts or cooperative agreements. ICs are to review senior employee designations for extramural program officials and confirm that they meet this definition. If an extramural employee reports to the IC Director but only has advisory responsibilities they are not considered Senior. Holli will send an email to clarify the definition of Extramural Senior Employees. Although, there may be a few limited exceptions, all senior employees should be 278 filers.

NEO will eventually audit all senior employees throughout the ICs to ensure consistency.

**Administrative Notes:**

This week the OGE Analyzing Gift Issues and Conflicting Financial Interests training is scheduled for March 15, 16. The classes are full at this time.

NEES training is scheduled for March 15, 16, 17, 22 and 28. All planned system users should register – room is still available.

This year's annual ethics training is being planned to commence in June or July.

Meeting adjourned 11:45am